

**THE HON'BLE Ms. JUSTICE G. ROHINI**

**WRIT PETITION NO.10660 of 2007**

**DATE: 07-06-2007**

Between :

A.Nagamma

... Petitioner

And

The Commissioner of Endowments,  
Endowments Department,  
Hyderabad and two others.

... Respondents

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**THE HON'BLE Ms. JUSTICE G. ROHINI**

**WRIT PETITION NO. 10660 of 2007**

**ORDER:**

The petitioner's husband by name A.Adaiah was the cultivating tenant of the land to an extent of Ac.3.50 cents (dry land) situated in Nandigama village, Sattenapalli Mandal belonging to Sri Venugopalaswamy temple. It is not in dispute that in exercise of the powers conferred under Rule 3 (1) of the Rules made under Section 82 of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 (for short 'Act 30 of 1987') vide G.O.Ms.No.379 dated 11-03-2003, the Assistant Commissioner of Endowments after conducting due enquiry by proceeding dated 07-01-2005 declared that the petitioner's husband was a landless poor person, as defined under the explanation to Section 82(2) of the Act 30 of 1987. However, subsequently, the husband of the petitioner died and on a request made by the Manager of the temple, the Assistant Commissioner of Endowments vide proceedings dated 11-05-2006 ordered that the petitioner should be allowed to continue in the land as tenant until the lease period is over as per G.O.Ms.No.379 dated 11-03-2003. Admittedly the lease period expired and thereafter the respondents sought to conduct auction for grant of leasehold rights in respect of the land in question. Aggrieved by the said action of the respondents, this writ petition is filed contending *inter alia* that as declared by the Assistant Commissioner of Endowments, by proceedings, dated 07-01-2005, read with the subsequent proceedings dated 11-05-2006, the petitioner being landless poor person and holding the lease of the agricultural land in question, is

entitled to the benefit of purchasing the said land for a consideration of 75% of the prevailing market value as provided under Sub-section (2) of Section 82 of the Act. It is contended that since the respondents failed to give an opportunity to the petitioner to exercise the option as provided under sub-section (2) of Section 82 and instead sought to put the leasehold rights to auction, the impugned action is liable to be declared as arbitrary and illegal.

I have heard the learned counsel for the petitioner as well as the learned Government Pleader appearing for the respondents 1 and 2.

It is to be noted that Rule 9(f) of the Rules made under G.O.Ms.No.379 dated 11-03-2003, expressly provided that the lease in respect of an agricultural land is not transferable. However, it was further added under Rule 9(f) that in the event of death of the lessee, with the prior permission of the Executive Authority, his legal heir may enjoy the lease for the balance period on the same terms. The said rule made it clear that the lessee cannot grant sub-lease and if any such sub-lease is granted, the same shall be regarded as void.

In the light of the above provision, it is clear that by virtue of the proceedings of the Assistant Commissioner of Endowments dated 11-05-2006, the petitioner can enjoy the lease for the balance period on the same terms, but she cannot claim the rights of a cultivating tenant. Since admittedly, the lease has come to an end on the death of the original lessee, the action of the respondents in seeking to auction the leasehold rights following due process of law cannot be found fault with.

In the circumstances, I do not find any substance in the contentions raised by the petitioner that the respondents ought to have given an opportunity to the petitioner to exercise the option provided under sub-section (2) of Section 82 of the Act.

The writ petition is devoid of any merit and the same is accordingly, dismissed.

However, learned counsel for the petitioner states that as on today, there is standing crop on the land and therefore, the petitioner

may not be dispossessed. The petitioner is granted liberty to make an appropriate representation before the respondents, in which event, the same shall be considered and appropriate order be passed in accordance with law. No costs.

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G. ROHINI, J.

Date:07-06-2007  
KLP

